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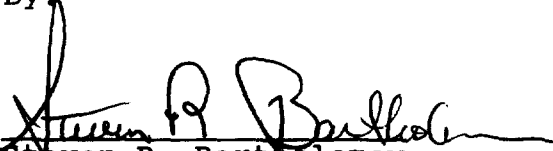
93-295

The undersigned hereby declares that he caused an original and four copies of (1) REQUEST TO FILE REPLY COMMENT IN RESPONSE TO REPLY COMMENT OF MT. WILSON FM BROADCASTERS, and (2) REPLY COMMENT (RM-8362), to be deposited in First Class U.S. Mail, addressed to Secretary, Federal Communications Commission, Washington, DC 20554, on April 2, 1994.

I declare under penalty of perjury under the laws of the State of New Jersey that the foregoing is true and correct.

DATED: April 2, 1994

By:


Steven R. Bartholomew

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In the Matter of Amendment of Section 73.202(b)
Table of Allotments, FM Broadcast Stations
San Clemente, CA - Channel 285A

MM Docket No. 93-295; RM-8362
FEDERAL COMMUNICATIONS COMMISSION
DA 93-1351

REQUEST TO FILE REPLY COMMENT IN RESPONSE TO
REPLY COMMENT OF MT. WILSON FM BROADCASTERS

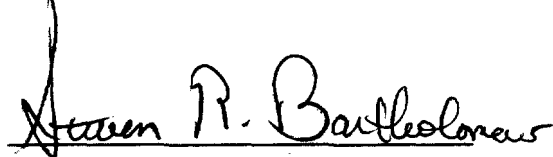
PETITIONER: STEVEN R. BARTHOLOMEW

Federal Communications Commission
Washington, DC 20554

The Petitioner respectfully requests the Commission to accept the Reply Comments which are submitted simultaneously herewith. In support of the Request, Petitioner states:

1. The Reply Comments submitted by Mt. Wilson on March 16, 1994 contain factual inaccuracies with respect to the proposed "ATSF site".
2. Petitioner's Reply Comments are directed to correcting these inaccuracies.
3. Petitioner has taken further positive measures to obtain assurances from the owner of its proposed "ATSF" site that it will be able to lease the location specified in its comments.

Respectfully submitted,



Steven R. Bartholomew
194 Wyndham Place
Robbinsville, NJ 08691
(W): 908-957-3250
(H): 609-490-0555

Dated: March 29, 1994

In the Matter of Amendment of Section 73.202(b)
Table of Allotments, FM Broadcast Stations
San Clemente, CA - Channel 285A

MM Docket No. 93-295; RM-8362
FEDERAL COMMUNICATIONS COMMISSION
DA 93-1351

REPLY COMMENT

PETITIONER: STEVEN R. BARTHOLOMEW

Federal Communications Commission
Washington, DC 20554

Mt. Wilson FM Broadcasters has mischaracterized many of the underlying facts in its Reply Comment of March 16, 1994.

These mischaracterizations can be verified through the inspection of publicly available documents.

I. THE GEOGRAPHIC COORDINATES WERE MISSTATED

Mt. Wilson has mistakenly assumed that Petitioner's proposed "ATSF" site is substantially the same site as that previously proposed in On The Beach Broadcasting, 8 FCC Rcd. 3123 (1993). This error appears on page 3, lines 8-14, of Mt. Wilson's Reply Brief. A possible source of confusion is the fact that the ATSF tracks run parallel to the California coastline for approximately one hundred miles.

The "ATSF" site described in Mt. Wilson's Reply Brief is not the same as Petitioner's proposed "ATSF" site. In fact, the respective sites are widely separated. The site described by Mt. Wilson is contiguous with Camp Pendleton, whereas the railroad easement at Petitioner's proposed coordinates is NOT adjacent to Camp Pendleton property. It should be emphasized that Camp Pendleton is situated within the limits of San Diego County, whereas the Petitioner's proposed coordinates are in Orange County!

The "ATSF" site described by Mt. Wilson appears to be that

which had previously been proposed by Sunbelt at latitude 33-22-52, longitude 117-34-33. This Sunbelt site appears to possess many of the characteristics alluded to by Mt. Wilson. By contrast, the "ATSF" site described in the Petitioner's Comment is at latitude 33-23-19, longitude 117-35-42.

II. THE SITE OWNER WAS MISSTATED

Mt. Wilson mistakenly asserts that Petitioner's proposed "ATSF" site is owned by the U.S. Government. This is untrue. The Petitioner examined property ownership records at the Orange County Deed Recorder's Office at 630 North Broadway Street in Santa Ana, California. According to these records, Petitioner's proposed "ATSF" site is presently owned by the Orange County Transportation Authority (OCTA). The site had been conveyed from ATSF to OCTA.

The ownership of Petitioner's proposed site by OCTA is a matter of public record at the Orange County Deed Recorder's Office. This regional transportation authority owns the land outright, i.e., in fee simple, and has provided the Petitioner with written assurances as to availability. These written assurances will be provided upon request. Mt. Wilson was mistaken as to the owner of Petitioner's site because Mt. Wilson erroneously assumed geographic coordinates other than those proposed by the Petitioner.

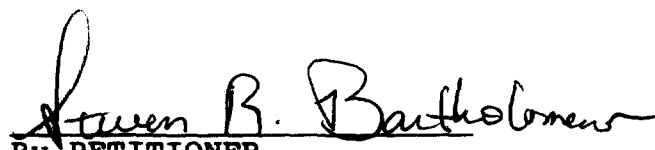
Due to the fact that Petitioner's site is in the most Southeasterly location possible outside of the boundaries of Camp Pendleton, this site is the least short-spaced site available with respect to KKG0, Los Angeles. The site is fully-spaced with respect to all other stations, CP's, assignments and allotments. The site is noncontiguous with respect to Camp Pendleton due to the existence of a strip of land dedicated for use as the San Onofre State Park.

Petitioner is willing to do whatever is necessary to obtain a transmitter site location acceptable to the Commission, to the extent that such a location exists. With respect to the

KKGO shortspacing, Petitioner intends to protect KKGO's signal to the maximum extent possible under existing FCC rules and regulations. If Petitioner is authorized to operate on Channel 285A, he intends to cooperate with KKGO's engineering staff to resolve any interference issues. For example, Mt. Wilson is urged to investigate the successful resolution of potential interference problems in the case of WNIB-FM 97.1 in Chicago, and WNIZ-FM 96.9 in Zion, IL. In any event, Petitioner's proposed "ATSF" site is shortspaced to KKGO by only one mile, and Petitioner will use a directional antenna, thereby providing KKGO with interference protection identical to that provided by a fully-spaced site. Note that the ERP limitations for Channel 285A operation at San Clemente are 3kW, not 6kW. The former 3kW Class A spacing rules are applicable.

It is the Petitioner's present intention to apply for Channel 285A if this allotment is retained at San Clemente. If Petitioner is authorized to construct a station on Channel 285A, Petitioner will build the station promptly.

Respectfully Submitted,



By PETITIONER,
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CERTIFICATE SETTING FORTH PROOF OF SERVICE

The undersigned hereby declares that he caused copies of (1) REQUEST TO FILE REPLY COMMENT IN RESPONSE TO REPLY COMMENT OF MT. WILSON FM BROADCASTERS, and (2) REPLY COMMENT (RM-8362), to be deposited in First Class U.S. Mail, addressed to Stanley S. Neustadt, Cohn & Marks, Counsel for Mt. Wilson FM Broadcasters, Suite 600, 1333 New Hampshire Ave., NW, Washington, DC 20036-1573, on April 2, 1994.

I declare under penalty of perjury under the laws of the State of New Jersey that the foregoing is true and correct.

DATED: April 2, 1994

By:


Steven R. Bartholomew